

REMARKS

Claims 1-32 are in the case.

§102 Rejections

In the Office Action, claims 1-9, 11-14, 16, 20-25 and 27-32 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,774,170 to Hite et al., hereinafter "Hite."

Brief Description of the Cited Art

Hite describes a technique for delivering and displaying commercials at a display site (e.g., a home). See Hite, Abstract. According to the technique, commercials are analyzed as to their nature and focus, and assigned Commercial Identifiers (CIDs). See Hite, column 3, lines 39-45. The CID is used to indicate under what circumstances a more suitable commercial may be substituted for display instead of the commercial See Hite, column 3, lines 61-64.

A set of suitable CIDs (consumer CIDs) are chosen for a given display site based on the interests and needs of viewers at the display site. See Hite, column 3, line 65 to column 4, line 2 and column 11, lines 13-45. The consumer CIDs are used at the display site to determine which commercials are displayed and which are ignored. See Hite, column 5, lines 45-50. Specifically, if a CID appended to a commercial matches a CID in the set of consumer CIDs, the commercial is displayed. Otherwise, the commercial is ignored. See Hite, column 5, line 51 to column 6, line 59.

Brief Description of the Present Invention

The present invention relates to a technique for targeting promotions to network devices. According to an aspect of the present invention, a schedule is developed for the display of promotions on a network device. The schedule is generated by matching membership criteria with a viewership profile information associated with the network device. A promotion agent receives the schedule and processes it for display of promotions.

Differences between the Present Invention and the Cited Art

Amendments to the Drawings

A replacement set of drawings are enclosed herewith. The Applicants respectfully request that the Examiner replace the current set of drawings with the replacement set of drawings.

Attachment: Replacement Sheets

The MPEP at § 2131.01 states that:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”
MPEP § 2131.01 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Representative claim 1 recites:

1. A system for targeting promotions to at least one network device, comprising:
a scheduler which develops *schedules* for the display of promotions on the network device, ***the schedules being generated by matching membership criteria with viewership profiles of the network device***; and
a promotion agent that receives a promotion schedule from the scheduler, wherein the promotion agent processes the schedule information for the display of promotions.

The Applicants respectfully submit that Hite fails to expressly or inherently describe the Applicants' claimed *schedules* that are ***generated by matching membership criteria with viewership profiles of the network device***.

In the Office Action, the Examiner equates the Applicants' claimed “schedules” to Hite's CIDs. The Applicants respectfully disagree with this equivalence. In Hite, a CID represents the nature and focus of a commercial. The CIDs are used to determine whether a particular commercial is displayed at the viewer's display site. Thus, in effect, the CIDs act as “filters” that allow certain commercials transmitted to the display site to be displayed and others to be ignored (filtered).

On the other hand, the Applicants claim a schedule which is generated based on membership criteria and viewership profiles which are different than a commercial's nature and focus. The schedule is received by a promotion scheduler which uses the schedule to determine when a promotion is displayed not whether a promotion is displayed. This is different from Hite's CIDs which, as noted above, determine whether a promotion is displayed not when it is displayed..

Because of the absence of *schedules* that are *generated by matching membership criteria with viewership profiles of the network device* in Hite, the Applicants respectfully request that the above rejections to claims 1-9, 11-14, 16, 20-25 and 27-32 be withdrawn.

§103 Rejections

In the Office Action, claims 10 and 26 were rejected under 35 U.S.C. §103 as being unpatentable over Hite.

For reasons set forth above, Hite does not teach certain elements of the independent claims from which these claims depend. Therefore, the Applicants respectfully request that the above rejections to claims 10 and 26 be withdrawn.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Michael J. Badzinski
Michael J. Badzinski
Registration No. 51,425
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 8/18/05